

# The Buckeye BARRISTER

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THE OHIO STATE UNIVERSITY • COLLEGE OF LAW

MARCH, 1968

## Substantive, Procedural Changes Set for Curriculum

### Computers Aid Classmates In Scheduling Establish Trust Fund

Starting with course registration for winter quarter, The College of Law has begun putting into effect a new course scheduling process. Since many of the required courses for the bar exam and many of the more popular courses have more students wishing to take them in a given quarter than space available, a method for selecting the students to be admitted to the course was needed. The former method was more or less a "first in time, first in right" situation, with those turning in their schedule cards first being accepted with some preference given to graduating seniors.

Now, with the aid of Mr. Wills and the computer center at Ohio State, a method of random selection is being worked out so that as much as possible the inconvenience of being closed out of a course is evenly spread out among the student body. Preference will be given to seniors over juniors and to persons previously closed out of other courses that same quarter and previous quarters. All these factors being equal, the available vacancies will be filled by random selection.

The procedure involves the student ranking the courses he wants according to preference (I, II, III) and giving alternative courses in case he is closed out. Also a record is kept of the courses a student has been closed out of in the past with a student receiving a "frustration point" for each closed course. Ultimately all this information will be programmed into a computer, and the computer will select the students based on their relative positions. The random selection aspect of this method is especially suited to the use of the computer since a series of random numbers or a random number generating function can easily be programmed in.

### Trust Fund

On Thursday, December 28, 1967, the Junior Class lost one of its members, John Moats. John was the victim of an airplane accident in Pennsylvania near the Ohio border.

In memory of John, the Junior Class by popular vote decided to establish the John Moats Memorial Fund, the corpus of said fund to consist of monies donated by friends of the Moats family who sent monetary gifts in lieu of flowers to the Moats family. The members of the Class of 1969 have contributed the balance to create a \$500.00 corpus.

The \$500.00 corpus is to be invested with The Ohio State University. The interest from this principal is to be used toward a \$25.00 cash award to be distributed annually on Law Day to that member of the then existing Junior Class who irrespective of grades best exemplifies leadership to his classmates and to the community. The selection of this individual is to be made by the three deans and two different members of the faculty selected by the deans annually to serve on the selection committee.

The residue, if any, from the collections which will provide the corpus of the fund as well as any monies which are added to the fund through donations by outside sources wishing to do so or by reason of an increase in the interest rate are to go into a general loan fund for needy members of the then Junior Class at the College of Law.

The Junior Class by volition has reserved the right to add to this above-mentioned residue so as to create a scholarship fund any time in the future that the class so decides.



Law Seniors Alec Reinhardt (left) and John Panzer examine the Whitehall police card file on known criminals while Mayor Paul J. Haytcher looks on. Haytcher accompanies the touring law students through the station house facilities.

### LAW STUDENTS WATCH LOCAL POLICE WORK

During the 1967-68 school year, law students have been participating in a program of observing the Whitehall police on duty. The program originated as a result of an invitation from Whitehall Mayor Paul J. Haytcher, an attorney himself, about one year ago. Every Friday and Saturday Evening the Whitehall Safety Department hosts two law students for a tour of that City's facilities at 10:15 and then to patrol with city police officers for an optional period of time.

The Whitehall Police Observation Program is sponsored by the Legal Education Committee of the Student Bar Association. Whitehall is a city on the east side of Columbus with a population of 28,000 over a five square mile area. Their force includes 32 full time policemen and 30 auxiliary police. Although the program is primarily designed to help the students to better understand the problems facing today's police and to learn something of the procedures they employ to protect the public, it also gives Mayor Haytcher organized feed back through questionnaires and meetings with the participants. Several such group discussions are scheduled for early spring quarter.

As a result of this police observation program, the SBA created a standing committee on legal education. The current members are Frank McGavran, Joe Krabach and Bill Moorhead. In the planning stage is a program with Ohio's Bureau of Criminal Identification and Investigation in London, Ohio, involving meetings with officials and experts and tours at the center.

The committee is also working on a plan whereby the current dockets of all nearby courts can be posted at the law school enabling students to attend some of the hearings. The committee has also started preliminary negotiations with the City of Columbus for a similar police observation program.

Students interested either in participating in the program or working on the committee should see any member of the present committee for information.

### Moot Team Seeks Win In Memphis

The 1968 Regional Moot Court Team of the College of Law will participate in the third annual Regional Moot Court competition to be held March 29 and 30 in Memphis, Tennessee. The team will argue the National Moot Court problem for this year, involving issues concerning the liability of an accounting firm to corporate stockholders.

Members of the team were selected during last year's voluntary competition rounds at the College. They are Phil Barrett, Robert Blackmore, Paul Coleman, and Douglas Harper.

In the two previous Regional competitions, formerly held in Detroit, Ohio State's Regional Teams have been named winners both times. In 1966, Walker Blakey and Fritz Milligan won the competition, and in 1967, Boyd Ferris and David McCartney comprised the winning team.

### Courses Added And Expanded

Several changes in the law school curriculum are tentatively scheduled for the 1968-69 academic year, according to Associate Dean Albert M. Kuhfeld. These course changes have been approved by the faculty of the College of Law for next year, but the teaching of one or more of them may be deferred until the 1969-70 school year. Definite information will be available in time for fall quarter scheduling. However, due to the shortage of time the courses will be scheduled under the omnibus course numbers instead of the regular numbering system.

Dean Kuhfeld emphasized that this is part of the college's policy to keep up with current changes and trends in the law. The proposed changes include:

Mr. Bernstein will teach a five credit hour course entitled "Labor Law and Practice". This will replace the four hour course "Labor Law" taught this year by Dean Rutledge. Bernstein will also teach a course next year called "Arbitration Law and Practice". This is a four hour course replacing the present three hour Arbitration Law course also taught by Dean Rutledge.

Miss Caldwell is preparing a new course entitled "Legislation", and Mr. Day next year will combine Federal Antitrust Law I and II into a six hour course, three Autumn and three Winter. Mr. Day is also tentatively planning to combine Legal Problems of Foreign Trade and Investment, a three hour, and Comparative Law — Western Europe into a six hour course in Foreign Trade and Investment, three Autumn and three Winter.

Mr. Fink is planning on expanding his course on Federal Courts from a three hour to a four hour course, and Mr. Herman plans on teaching a four hour course in Criminal Justice winter quarter and a three hour course spring quarter. The present course is a three hour and this change is a trial to see if the material could better be presented in a four hour course.

Mr. Kelman is planning a new three hour course titled "Civil Rights and Liberties" to be offered in the spring quarter, and Mr. Lynn's three hour Future Interests course and his four hour Trusts course are to be combined into a new six hour course called "Estate Planning" to be offered three hours in the fall and three winter quarter.

(Continued on page 7)



Regional Moot Court team members re-check a point of argument before leaving for Memphis. Left to right are Douglas Harper, Robert Blackmore, and Paul Coleman. The fourth member of the team, Phillip Barrett, was not available for the photo.



## Barrister Opinion

### FIRST PERSON PLURAL

by Paul H. Coleman  
Editor in Chief

Under the recent re-organization of the *Barrister*, an executive staff has been created, composed of four page editors and the editor in chief. With this new structure, it has been possible to adopt an editorial policy, and it seems wise to set it forth here.

\* \* \*  
All editorials appearing in this newspaper represent the viewpoint of the executive staff, determined by a majority vote, unless they are clearly designated as one person's opinion under the heading "Guest Editorial," or unless the viewpoint expressed is in one of an individual columnist under his by line, such as this column. The viewpoint expressed in the first instance is thus a consensus of the executive staff, and should therefore not be construed as the opinion of either the entire student body of the college or of the faculty, administration, or alumni.

\* \* \*  
Special problems arise when a situation deemed worthy of editorializing cannot receive the consensus of the executive staff. Such is the case with the recent Student Court controversy, concerning which two quite opposite views are earnestly argued on the question as to whether or not this body has the right and/or obligation to hear claims of student rights based on constitutional grounds. There the *Barrister* has felt that both views therefore merited airing, and has done so under a special heading.

\* \* \*  
It is hoped that the new editorial policy will evoke comment from our readership, which as always we stand committed to publish, either in the form of letter to the editor or guest editorials.

\* \* \*  
Mark Keller notes that the annual Moot Court banquet will be held May 2nd at the Jai Lai Restaurant. All Alumni who have participated in the Moot Court program are most earnestly urged to attend and partake of the Jai Lai speciality, prime rib. Further information may be obtained by calling the Moot Court office at 293-2028.

#### THE BUCKEYE BARRISTER And Alumni Law Record

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## BRUTALITY: YES

Fifty individually anonymous black-jacketed men marching down a main Columbus street is a threat to democracy as well as to the "mob" they intend to suppress. This is the lesson of the Miller report on allegations of police brutality.

The heart of the "D" Platoon threat lies in two areas. First, the uniforms of the platoon were designed so that all identifying marks were covered. It appears from the Committee report that one reason for this type of uniform was to "remove inhibitions from the police in the conduct of their duties." If protection from responsibility is not the reason for these uniforms, it cannot be denied that that is their effect.

Secondly, holding out the claim of expertise in the handling of crowds the platoon and its leaders have received a certain indulgence from the community. In fact the so called elite platoon was apparently very poorly equipped for its task. At least one member misused the chemical "Mace" in direct violation of the inventor's instructions. Contrary to the best developed practices of crowd control, the platoon used its riot clubs to "hit" rather than to "prod." And in general the show of force of the platoon enraged the group and turned a potentially difficult gathering into an angry crowd, just as all expert writing on crowd behavior predicted it would. All of this activity has been condoned and defended by the Safety Director of Columbus.

When the leaders of the community responsible for its safety and order allow disorder and danger to be created by their failure to utilize properly the most up-to-date information and tools, and allow their representative to act free of any responsibility, they endanger the very institutions they were hired to protect.

The Ohio House of Representatives has just passed a bill requiring that all police wear visible identifying marks. The Miller report has suggested ways to inform and educate the police force. The first steps have been taken to prevent a recurrence of the kind of activities that marred Columbus this past fall.

## Wilson v. Ohio State Pro and Con

In the recent case of *Wilson v. Ohio State*, the Student Court of The Ohio State University determined that it did not possess the competence to rule upon either the federal or state constitutionality of an Ohio State Motor Vehicle Regulation. That ruling is demonstrably sound.

The Motor Vehicle Regulations clearly vest Student Court with the jurisdiction to resolve the facts relative to an alleged violation and found guilt, innocence, or mitigation thereon. However, nowhere in the Regulations is there the slightest hint that Student Court is authorized to determine the constitutionality of a Regulation. Indulging the novel proposition that jurisdiction to adjudicate constitutionality necessarily follows from jurisdiction to adjudicate the merits cannot make it so.

In the Ohio separation of powers scheme, Student Court is a progeny, many times removed, of the Ohio Legislature. Student Court derives its powers from the Legislature's agents, the Board of Trustees. Those powers are limited in the manner described above. A student who wishes to raise a constitutional objection to an Ohio State Motor Vehicle Regulation may exhaust conventional legal channels (for example, a writ of mandamus) in the courts of the State of Ohio. The judicial branch is expressly authorized to resolve the constitutionality of official activity performed under color of state law. Therefore, it cannot be urged as supportive of Student Court jurisdiction that *Wilson* deprives students of the only available forum in which to vindicate their constitutional attacks upon Ohio State Motor Vehicle Regulations.

The foregoing legal arguments are sufficient justification for denying jurisdiction. However, practicalities also dictate denial. The majority of Student Court possesses no training in the law whatsoever. This does not impede determination of facts, as its excellent record in that area reveals. However, such a court cannot begin to interpret the state and federal Constitutions, a legal task of considerable magnitude. That responsibility can be more effectively discharged by state court judges, trained in interpretation and application of the law.

Opponents of the *Wilson* decision have sought to introduce considerations which are irrelevant to a determination of jurisdiction. It may be that the Regulation involved in *Wilson* is patently unconstitutional. It may be more expeditious and less expensive to resolve such constitutional objections in Student Court. One may equate denial of jurisdiction with emasculation of a student tribunal. However appealing these speculations may be, none of them can justify seizure of jurisdiction by force. *Wilson* was rightly decided.

By the majority decision the University Court officially declared its impotence to deal with a great deal of the cases which present themselves before the court. In denying jurisdiction to hear a Constitutional question this court disregards its most important task: to safeguard the rights of students. No court in the Anglo-American jurisprudence system would deny jurisdiction to hear a Constitutional question if such were vital to the fact-finding process of any case before that court. Yet, the University Court has done so by its decision herein.

The University Court, for traffic purposes, is the court of original jurisdiction for all student cases; and the court is empowered to make "all interpretations of University Traffic Rules." All means all. In order to fulfill its obligation of fairness to the student defendant, this court allows a great deal of evidence to be heard which would be held inadmissible in a Common Pleas Court which follows the Uniform Rules of Evidence. This court being neither a criminal court nor a civil court and being the only student court for traffic purposes must be allowed to hear all arguments to which a student deems relevant to the disposition of his case. If this involves the hearing of a Constitutional argument then it would only be fair to allow the student to make such an argument.

Being quite practical, the money and adverse publicity involving a student who seeks to use the state judicial system to adjudicate Constitutional rights which may be of small monetary consequences, the Board of Trustees will never be challenged and they will have a free reign to promulgate any rule they so desire as long as some vested interest group such as the National Association for the Advancement of Colored People or the American Civil Liberties Union is not involved. Also, many courts will not hear a Constitutional argument on appeal unless there has been a final adjudication from the highest competent lower court.

Even if one were to reluctantly follow this judicial hierarchy by the time he would finally have his Constitutional question adjudicated with respect to the merits of his case, the question would most likely be moot for the student would likely have left the University long before this final adjudication. And to make one go through such a procedural maize is highly suspicious of a denial of due process of law.

Yet another compelling reason for the court to hear the Constitutional argument is found in administrative law. The University Court is quite similar to a tax court in which Constitutional arguments are often raised as is an attack of validity of an Internal Revenue ruling on Constitutional grounds.

## Message From The Dean

By Ivan C. Rutledge, Dean

Finagle's Law, simply stated, is: "Once a job is fouled up, anything done to improve it only makes it worse." From the standpoint of much that concerns the lawyer, this counsel of despair may be met by the more moderate observation that is legendary of Solon: Though these laws are not the best in themselves, they are the best of which the interests, prejudices, and temper of the times will admit; and they may perhaps in due time prepare the way for a better.

This ameliorative spirit has its proper place in the private affairs of the individual, be he student or practitioner. On the campus the time has come when facing the facts about one's failures thus far this academic year is in order. But only a farthing for Finagle. His "law" is an irrelevant discouragement if it is an excuse for weakness, for declining the challenge to improve a job, and for hopelessly stamping it as fouled up. Granted that it could have been done better, there may be enough in it to warrant shaping it up and thus moving on to a worthy goal.

Your goal of legal education may have been set unrealistically high at first. Are you up to the task of hitting a good target at last? Good sailing!

## Speaking Out On The Library

By John S. Haynes  
SBA President

The College of Law has a Restricted Use of the Library policy which precludes non-law students from using the library facilities. The only exceptions to this rule are dates and wives of law students, attorneys, and members of the university community with a bona fide interest in using the legal materials in the library.

Recently this rule came under criticism from both law and non-law students. In answer to this criticism I would like to state my views as to why I think the Law College should maintain this policy.

Perhaps the most important justification for the policy is that there just isn't enough room in our library to accommodate non-law students who wish to use it for studying. There are 281 seats in the library, including those in the stacks and the balcony and the present enrollment at the College of Law is over 500. Needless to say, an open library policy could possibly result in chaos. In line with this is the argument that our students pay a library fee of \$99.00 per year. They certainly have the right to use the law library free of the overcrowded conditions and general commotion one sees at the main library.

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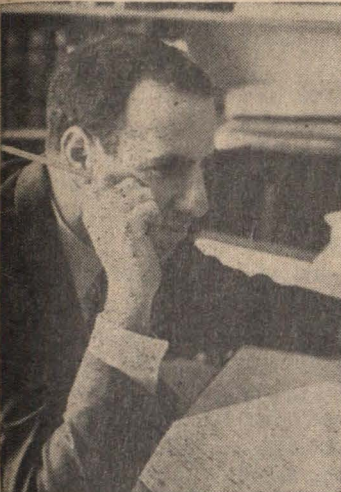


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A Barrister In-Depth Feature

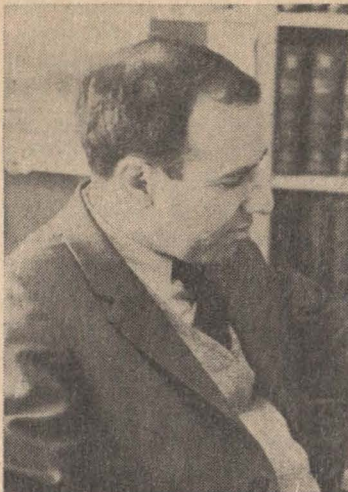
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Miller Report Calls For Reform In Columbus



"The use of excessive force . . . is not only dumb, it's a crime."

Articles by  
Paul Coleman  
and  
Nicholas Yonclas



" . . . the police are not vestal virgins, and not holy . . . "

Photography by  
Peter Laylin



" . . . law enforcement authorities have . . . an obligation to investigate further . . . "

Law Professor Who Headed AAUP Committee  
Gives Views on Report and Recommendations

The Ohio State University chapter of the American Association of University Professors in a meeting held on February 15 approved seven recommendations regarding police conduct in the High Street disturbance which occurred last October during the strike of University employees.

The recommendations were made by a three-man committee appointed by the AAUP to investigate charges of police brutality. The committee was headed by Professor Richard S. Miller, College of Law. The other members of the committee were Associate Professor Ronald B. Sklar, also of the College of Law, and Associate Professor Thomas Eynar of the Sociology Department.

The recommendations adopted by the AAUP are:

- \*Immediate convening of federal and local grand juries to investigate allegations of police brutality amounting to violations of federal and/or state law.
- \*The establishment of an effective agency—an ombudsman, an inspector general, or even a review board—to investigate and publically report upon allegations of misfeasance by police.
- \*A program in police education in legal limitations upon the use of force in effecting arrests of persons for crime, particularly misdemeanors.
- \*A program of police education in crowd and student psychology, criminology, sociology, and other relevant disciplines as the University is willing to provide through its facilities.
- \*That the police engage in discussions and planning with University officials to coordinate their responses to student disturbances in the future.

- \*That the AAUP and the University exert all efforts to reverse Safety Director Simon's stated decision to continue to permit police engaged in crowd control activities to conceal their identification.
- \*That the AAUP and the University support substantial increases in salary for the Columbus police.

The committee strongly criticized the dramatic use of "D" platoon marching in cadence up High Street garbed in black with riot sticks at port arms as a "serious error of judgment." (The "D" platoon is a group of about 50 police officers who have been given special riot training).

Additionally, in investigating the charges of police brutality, the committee concluded that there was probable cause to believe that there were at least two incidents of brutality on Wednesday night and at least three incidents on Thursday night. The committee substantiated the incidents on the basis of a number of witnesses, witness credibility, and news films.

DUMB TACTICS

In an exclusive *Barrister* interview, Professor Miller characterized the failure of police leadership to take account of the perspective and psychology of university students in developing tactics to put down these disturbances as "stupid." In reference to the specific incidents of police brutality and the repeated police charges made at student crowds, he added: "The use of excessive force in a situation like this is not only dumb, it's a crime."

Miller then pointed out the contrast between the student reaction to the "gestapo-like" police tactics employed on Wednesday and Thursday nights and the student reaction to these same policemen

on Friday night when they acted in a highly professional manner and without hostility in attempting to disperse the crowd.

"The first two nights, the crowd showed very little respect for the police. On Friday, everyone liked the police," he said.

Miller was not oblivious to the fact that the acts of some of the students were puerile and probably unlawful, and he was equally aware of and concerned about the tough job and huge responsibilities that policemen have in today's society.

"No one denies that crime is a growing and very serious problem. No one question that it is necessary to provide police protection for society while we concurrently attempt to remedy the causes of crime," he said.

"On the other hand," Miller cautioned, "it must be remembered that the police are not vestal virgins, and not holy. It is imperative that when they enforce the law, they do not violate it themselves."

"The police cannot be allowed to take undue advantage of their power. Sure, they have a tough job, and they deserve our cooperation and our sympathy, but that doesn't mean that they are beyond reproach," he concluded.

SILENT  
ADMINISTRATION

Another point that particularly aggravated Miller in connection with the October disturbances was the lack of sensitivity displayed by the University Administration in its failure to stand up for the students.

"The role of a university vis-a-vis its students as to extra-campus incidents is open to argument. Nonetheless, a University administration

ought to have some concern for the welfare of its students and ought not to be unwilling to speak out in protest when the rights of students are jeopardized. In any event, a failure to provide whatever protection it can, and it seems to me, is inconsistent with the punitive attitude the university takes with respect to erring students."

Miller did recognize that state universities may have to maintain good relations with the public, since the public ultimately controls the financial resources.

But he added: "This does not mean that a university administration should feel intimidated by every hostile public whim, or that it must remain silent in the face of official maltreatment of its students. The administration is not without its own power and prestige. It is in a position to set an example of enlightened and temperate responses to practices, witnessed by its own officials, which constitute unnecessary interference with student rights. In the long run, a firm response is more likely to create respect and support for the university than silence created by a desire not to offend."

INADEQUATE PRESS  
COVERAGE

The lack of more thorough press coverage concerning the incidents was another bothersome point for Miller.

"The *Dispatch* covered the original disturbances well, but has shown little interest since then. The paper made no contact with the investigating committee during our investigation. I don't know whether that's because of a lack of interest, or whether there is some policy for not giving more extensive coverage to these things."

"The *Lantern* coverage was

inadequate," said Miller.

The campus newspaper refused to publish the committee report and Miller strongly felt that this was wrong: "This was a matter of concern to the entire University community and the *Lantern* should have published the report, or at least a substantial part of it."

Miller did credit the *Citizen Journal* for giving the best coverage of any of the local daily papers, but noted that its coverage was rather summary in form and failed to go into detail.

"The most complete coverage," he added, "was provided by O.S.U. Broadcast News of the School of Journalism. They followed every development closely and gave our investigation as much coverage as their broadcast time would allow."

Perhaps the reason for these piercing attacks on the local papers is Miller's feeling that some very controversial and vital issues are often given one-sided treatment by Columbus papers.

He commented in reference to this point that: "People in this city are not given any opportunity to make decisions on their own. The newspapers should present both sides of these issues, and in depth."

Asked whether or not a federal or state grand jury would be convened, Miller reflected: "That all depends on the initiative of the U.S. Attorney and the local prosecuting attorney."

"If our committee has turned up evidence of unlawful police activity—and I'm convinced that it has—then the law enforcement authorities have as much an obligation to investigate further and to prosecute as they have when private individuals are suspected of crime."



# THE MILLER REPORT: THE FACTS

**EDITOR'S NOTE:** The following are excerpts from the Miller Report. The Report deals with the facts found, conclusions drawn and recommendations made by the Ad Hoc Committee of the Ohio State University Chapter, American Association of University Professors, which investigated allegations of police brutality to students during the University employee strike October 4, 5, and 6, 1967. Due to the length of the Report, it could not be printed here in its entirety. The extracted passages printed below are those from the Report that deal most directly with the conduct of the Columbus police in these disturbances. Other conclusions and recommendations in the Report, notably those concerning the conduct of the Ohio State University Administration, have been deleted from this article.

Report of Ad Hoc Committee of Ohio State University Chapter, American Association of University Professors:

Investigation of Allegations of Police Brutality to Students During Employee Strike, October 4, 5 & 6, 1967.

## INTRODUCTION

At its meeting on October 9, 1967, the Ohio State Chapter of AAUP authorized appointment of a committee to investigate incidents of alleged police brutality in the treatment of students during the strike of University employees in the first week of October, 1967. Shortly thereafter the AAUP Executive Committee appointed an *ad hoc* investigation committee composed of Thomas Eynon, Associate Professor, Sociology; Ronald Sklar, Associate Professor, Law, and Richard Miller, Professor, Law, as chairman.

The *ad hoc* committee was immediately contacted by the President pro tem of the University Student Assembly, Ira Sully, and arrangements were made to cooperate with a parallel student committee chaired by him and composed of Thomas Wheeler, Student Representative on the Council of Student Affairs; Penny Maza, Chairman of the WSGA Standards Commission; William Shkurti, President of the South Campus Student Association and Frank Partch, Graduate Student, Journalism. The *ad hoc* committee sought and received the assistance of the student committee in locating and contacting witnesses. The student committee was advised of all scheduled interviews and invited to send representatives to participate in interviews with witnesses. At least one member of the student committee was present during most of the interviews.

Witnesses to the disturbances were sought and notice of the intention to conduct interviews was given through several channels: (1) The

members of the student committee; (2) The Lantern; (3) WOSU Radio Broadcast News; (4) The Citizen-Journal and (5) WBNS-TV News. While some of the early bulletins asked persons who had witnessed incidents involving violence to come forward, the general approach was to ask anyone who was present during the disturbances to contact the committee. The committee tried, within the limitations of the schedules of its members, to arrange an interview with all persons who contacted us and whose names were given to us. In addition, the committee attempted on its own initiative to locate and interview newsmen, union members, university personnel and police who were present during the disturbances.

The committee interviewed 25 people, including 10 undergraduate students, 2 law students, 1 graduate student, 2 employed non-student bystanders, 1 unemployed non-student bystander, 3 non-student news reporters, 3 university administrators, 1 campus policeman, 1 Columbus policeman (a member of "D" platoon) and the Safety Director of the City of Columbus. Of the undergraduate students 1 is a Lantern editor and 1 is president of the student body. Two had been arrested on the scene of the disturbances. One of the reporters had been taken into custody on the scene of the disturbances but was discharged without being charged.

The committee attempted to arrange additional interviews with members of "D" platoon of the Columbus police. Safety Director Simon was called by the committee and asked to set up an interview schedule. He told us that it was up to individual officers to decide whether they wanted to talk to us, and suggested that we contact them directly. On November 15, 1967, we sent a letter to Police Chief Baus (copy to Safety Director Simon) asking for Baus' cooperation in furnishing the names and addresses of policemen who were present during the disturbances. The committee received no reply from Chief Baus. Nonetheless, the committee did locate and interview one member of "D" platoon who was present during the disturbances. Testimony of others may be found in the transcript of the testimony of the trial of Nicholas Lawton.

The *ad hoc* committee also saw films of the disturbances taken by news reporters of WTVN-TV and WBNS-TV.

## THE ROLE OF THE COMMITTEE

The *ad hoc* committee, of course, had no authority to subpoena witnesses or to impose sanctions against witnesses for perjury. Credibility of witnesses had to be judged from the demeanor of the witnesses, the internal consistency of their

testimony and its agreement or disagreement with the testimony of others. In addition, after the first few interviews the committee adopted the practice of asking all witnesses whose testimony was taped if they would be willing to submit to a lie detector test of the truth of their testimony. All expressed willingness to do so.

Based on the limitations on its own investigatory power and on an interpretation of its mandate from AAUP the committee did not conceive its function as determining what the facts were "beyond a reasonable doubt," or even "by a preponderance of the evidence." Rather, we deemed it our primary function to describe the testimony and evidence to AAUP without drawing firm conclusions as to its truth or falsity. In addition, however, we felt that we were in a position to weigh the evidence to the extent necessary to determine whether there was "probable cause" to believe that certain incidents had in fact taken place, and to base our conclusions and recommendations upon such tentative findings. We expect, indeed we hope, that those who take issue with the factual conclusions drawn here will have an opportunity to present their views to more official tribunals.

## SUMMARY OF TESTIMONY & EVIDENCE WEDNESDAY NIGHT THURSDAY MORNING

### Brief Chronology Of Events

The striking University employees began to picket at the 15th Avenue entrance to the University at 12 midnight.

A crowd had begun to form at the 15 Avenue and High Street intersection at between 10:00 and 10:30 p.m.

Trash was set on fire in the intersection sometime between 12:15 and 12:30 a.m., although some estimates place it as early as 12 midnight and as late as 12:45 a.m.

Shortly after the fire started, 15 state patrol cars, with their sirens on, picked their way through the intersection, passed between the barricades set up for the picketers, and entered the campus. They came to assist campus police to control the possible effects of the strike.

Safety Director Simon in a marked police cruiser entered and stopped in the intersection at approximately 12:45 a.m. He attempted to address the crowd, and left a few moments later.

The "D" platoon, a group of about 50 police officers within the Columbus Police Department, which, a member of the platoon told the committee, "has been given quite rigorous riot training," marched north up High Street from their place of formation at 11th Avenue, arriving at the 15th and High Street intersection at approximately 1:00 a.m.

## The Arrival Of The "D" Platoon

The "D" platoon had formed sometime between 12:30 and 1:00 a.m. at 11th Avenue and High Street. They marched north up High Street in a "block formation." They were the first uniformed Columbus police officers on the scene. Most of the witnesses told the committee that that "D" platoon did not break ranks until they reached the 15th and High Street intersection. They marched in military fashion in the street and told persons on the sidewalks to leave the area. A few witnesses claimed that as they marched toward the intersection, the outer ranks would rush on to the sidewalk to clear it of persons.

Members of the "D" platoon wore helmets with a black cloth covering, black Eisenhower jackets over a white shirt and dark trousers with a single stripe up the side. There were no badges or other marks of identification visible. The black outfits, the committee was told by a member of the "D" platoon, offers a less distinct target for projectiles than does the ordinary dress of the police officer. The platoon marched with a riot stick (30 inches in length, which is appreciably longer than the regular night stick) nestled in the crook of one arm.

The sight of the "D" platoon "worsened" the mood of the crowd, caused the crowd "to become excited," according to some witnesses, and was greeted by laughter, according to others. One witness, a law student, said the sight "frightened" him. Another witness said that he overheard some students saying, in excited, breathless tones, "Isn't this great! Isn't this great!" Most just watched.

As the "D" platoon approached the crowd, a line of students—one estimate as high as 50 or 60—lay down across the width of High Street, just south of the intersection. They hastily departed as the squad passed 14th Avenue.

Objects were thrown at the police as they neared the intersection. "Paper," "light bulbs," beer can," "rocks" and "firecrackers" were identified by a number of witnesses, the latter as much by sound as by sight. Two witnesses said that the objects were coming only from the east side of the intersection, one specifying the northeast corner, the hill in front of the photography store. Another witness said that a firecracker exploded in the ranks of the police, and that they "did not react." There was, however, no evidence of any injury to the police. The crowd was jeering and shouting insults and obscenities at the police, although the chant that marked the arrival of the squad on Thursday night was not in evidence.

There is some confusion as to whether the entire platoon stopped at the intersection, or whether one smaller portion

of them turned east at the intersection and marched up 15th Avenue while another group marched north past the intersection. It is clear that on Thursday night, a small group of "D" platoon members marched east up 15th Avenue, but the weight of the evidence before the committee indicates that on Wednesday night the entire squad stopped at the intersection.

In any case, the squad cordoned off the intersection, forming a square. The students were backed away from the square. In the words of one witness, the police were "holding a perimeter." At intervals, a group of police, the estimate of the number varying from 3 or 4 to an entire side of the square, would rush into a crowd of students. The news reporter with the military police experience described it as "a charge-type break." Some witnesses thought that the students were pressing in on the police and that the police shouted at them to get back before they made a rush at them. Other witnesses believed that the students were backed off shouting at the police, and that the police charged without warning. As one witness observed, "there was a lot of confusion out there."

Most witnesses agreed that when the police made their charge into the students, they were making use of their clubs. Some said they were "using them to push aside students standing in their way." Others said they were swinging to hit anyone close or "anything that moved." Most said just that "they were swinging their clubs."

One witness, a law student, told the committee that during one of these charges he was standing on the southwest corner, on the sidewalk in front of the Museum. An officer ran toward the witness, swinging his night stick. The witness had a card he had received from a Lantern reporter that he believed to be a press card (it later turned out not to be), which he held out in front of him, at the same time saying, "I'm with the press." He said the officer never looked at the card, but said "Get out of here!" The witness turned, and as he started to run he was hit across the buttocks. He claimed he had a black and blue mark the next day.

## The Hill Tailoring Incident

At about 1:30 a.m., Thursday morning, a brick was thrown through the window of the Hill Tailoring Company, a men's clothing store on the corner of 17th Avenue and High Street. One witness told the committee that she saw and heard one youth say to two other youths, "Boy, would I like that white shirt that's in the window. Why don't you break the window?" The other two appeared to the

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# Facts

(Continued from page 4)

witness to be drunk. They disappeared, only to reappear a few minutes later with a brick, which one of them threw through the window. The witness and others left the scene, running east on 17th Avenue. She said that one person, apparently a plainclothesman, who was behind them fired a shot into the air. One other witness in the area heard what sounded like a shot at about the same time.

Other witnesses told the committee that right after the brick was thrown they saw the police apprehend someone on 17th Avenue, just east of High Street. Two witnesses said that they observed clubs going up and down while the youth was on the ground. They saw no resistance being offered by him. A third witness said that clubs were being used on the youth while he was being hauled to the police wagon. This witness thought that the youth was putting up resistance to the arrest. None of the witnesses was close enough to observe where on the body the blows were being struck.

## The News Reporter Incident

Shortly after the police had cordoned off the intersection of 15th and High and made one of their rushes at the students, a news reporter from the Columbus Citizen-Journal, who appeared before the committee, stepped off the sidewalk from the southwest or Museum corner of the intersection. The sidewalk at that time was cleared of persons. As he started to walk north across the intersection to observe the activities of the police, a "D" platoon officer came toward him. The witness told the committee that he said, "I'm from the Citizen-Journal," to which the officer replied, "I don't care where you're from or who you are. Get off the street." With this, the officer pushed the witness with his club.

At this point, the witness said, two or four other officers were upon him, grabbing his arms. The witness, mustachioed and wearing a short-sleeved white shirt, repeated that he was from the Citizen-Journal, and succeeded in getting his "press card" out of the breast pocket of his shirt. One officer, the witness claimed, was striking him on the knees with his club. The witness' glasses were broken. Safety Director Simon drew near—this was happening in a matter of seconds—and, according to the witness, took the press card from the witness. The police began to handcuff him. He alleged his watch was forcibly removed from his wrist at this time.

An officer drew near. The witness's arms were behind his back. The officer held a "chemical mace" "probably one inch or less" from the witness' eyes and, as the witness squinted, the officer "inscribed a circle" around each of his eyes. A news photograph in the Columbus Dispatch shows the witness held and surrounded by at least six

"D" platoon officers, with Safety Director Simon a few feet in front of the witness. The reporter was taken into custody but later released without being charged.

A news story appearing subsequently in the Citizen-Journal identified the "chemical mace" that was sprayed on the reporter as a concentrated form of teargas which is effective from 6 to 10 feet. The inventor, according to another story in the paper, recommends against the use of the mace at distances of less than 3 feet. Safety Director Simon told the committee that the mace is very effective at close range, that it causes a burning sensation to the eyes, and that the police department had received no complaints about its use. The reporter told the committee that the mace caused second degree burns around both eyes, and damage to the cornea.

Safety Director Simon told the committee that the reporter's actions were interpreted by the officers involved as resisting arrest. In a statement made to the press on October 12, Safety Director Simon attributed the incident "to excitement and lack of communications between police and the reporter."

## THURSDAY NIGHT; FRIDAY MORNING

### Brief Chronology Of Events

The striking employees began their picketing sometime between 11:00 p.m. and 12:00 a.m.

A sizable crowd had begun to form at the intersection at 10:30 p.m.

A trash can attached to a pole on the northeast corner of the intersection was set on fire, sometime near 12:30 a.m.

A little before 1:00 a.m., the "D" platoon, which had formed earlier at 11th Avenue and High Street, marched north up to the intersection. No warning was given to the crowd of its coming.

### The Arrival Of The "D" Platoon

The platoon wore the same dress as the night before, and, as before, marched in a block formation, which, a member of the "D" platoon told the committee, was one of the maneuvers used by the platoon for disturbances of this particular nature.

The crowd, several witnesses said, was "enraged at the police." In addition to the chant, they were swearing and shouting at them, and "trying to confront" them. A few witnesses said they saw varied objects, including bottles, thrown at the police. Several witnesses claimed no objects were thrown. The "D" platoon officer who spoke to the committee said that he heard no firecrackers go off or glass break as he approached the intersection. He said that some of his fellow officers remarked that "it was worse Wednesday than it was Thursday." This witness had been off on Wednesday and thus did not take part in the events of that night.

The squad maintained its formation until they reached

the intersection. A small group of officers, perhaps a dozen, branched east and marched up 15th Avenue, clearing the streets. They marched about 40 or 50 yards up 15th Avenue. Flare pots from some construction on 15th Avenue were set out in the street and, one witness said, some clods of dirt were thrown at the officers.

Another group of officers marched through the intersection and continued for a short distance north up High Street, clearing the street. The "D" platoon officer told the committee that he was struck twice by stones as he marched north along the east side of the street past 15th Avenue.

The platoon cleared the intersection and, as on the previous night, cordoned off the intersection, forming a square. The officers who had marched east and north past the intersection apparently pulled back to join the square. From this position, the officers again made rushes into the crowd. According to most witnesses, they were swinging their sticks during these rushes. The "D" platoon officer told the committee, however, that he saw no officers swinging clubs that night, nor did he see any officers striking any of the students with clubs. Dean Gambs told the committee that because of the situation he was concerned at the time for the safety of the resident staff, "who looked like the others."

### The Longs Bookstore Incident

This incident was described by 5 different witnesses. The clearest description came from a news reporter covering the scene for a local television station. He said that he was within the cordon of officers at the intersection, holding a microphone. A fellow news reporter carried a camera. A "heckler" was on the sidewalk in front of Longs Bookstore, about 50 or 60 feet south of the cordoned area. He yelled something like "You cops are really big and tough with your clubs." Another witness said the person yelled obscenities at the police. The news reporter, standing close to Safety Director Simon, "clearly and distinctly heard him say: 'Go get him!'" Four or five members of the south rank of police took off after the person. The committee viewed films taken by the witness's partner, which clearly show the officers running after a person in front of Longs. As the person ran south along High Street, two men, later identified to the witness as plainclothesmen, jumped out of a sedan parked in front of Longs.

One of the plainclothesmen struck the person across the forehead with either a club or a blackjack, knocking him down. The members of the "D" platoon reached the person, and were wrestling with him. The witness did not believe the person was trying to get away. At this point, the witness, who had followed the police officers on to the sidewalk, said he was distracted by a jerk on his microphone cord. A man, later identified to the witness as a plainclothes-

man, was trying to pull the microphone out of his hands. When the witness turned back to the scene in front of Longs, the person was on the ground with 6 or 7 people around him, hitting him with clubs. He was being struck on the buttocks and back.

The witness saw no head blows, except for the first blow to the forehead. The person was thereupon pushed up against the sedan and, the witness believes, frisked. He was then shoved into the car. The committee viewed films of the person being placed into the car, and it is the opinion of the committee that the films show one officer using his club in an upward motion as the person was forcibly shoved into the car. Another witness told the committee that the club was brought up into the person's groin "with a reasonable amount of speed." The news reporter said that the person was lying on the back seat moaning, "Oh, my God!" or something similar to that.

Four other witnesses observed this incident, varying in their description of the number and place of the blows. Some claimed that the person was struck with the clubs while he was up against the car, prior to being shoved into the car. Three witnesses did not have the vantage point of the news reporter.

### The Mershon Incident

Three witnesses—Dean Gambs, the President of the Student Body and a news reporter—described this incident to the committee. According to the witnesses, an arrest was made in the driveway or lawn in front of Mershon Auditorium, shortly after the "D" platoon arrived. The student president believed that the person yelled something at the police. All three witnesses said that the person was apprehended by two plainclothesmen, and was struggling. A third officer approached the three struggling persons, according to Dean Gambs and the student president. The third officer had a club in evidence; the club was seen going up and down. The student president saw the club come down on the person's shoulders 4 to 6 times, he estimated. Dean Gambs believed that the person was struggling to break away, not to avoid the blows. He was on his feet at the time.

The news reporter said that the officers and person were wrestling on the ground, when the officers managed to pull the person's shirt over his head and off his body. They walked the person to the patrol wagon, one person on either side of him holding an arm. The person was saying, "I won't give you any trouble, I won't give you any trouble. Just let me put my shirt on." There was "club action" as they walked; they seemed to be striking him on the buttocks. Just as they got in front of the camera of the witness' partner, and while the person was repeating that he wasn't going to be any trouble and that he just wanted to put his shirt on, "one officer seemed to get a headlock

on him." The person was at this time offering no resistance. He was released from the headlock. At this point, the reporter said, a police officer "deliberately" put his hand in front of the witness' partner's camera. The committee viewed films of this incident. These showed a person naked to the waist being escorted to a patrol wagon. One officer seemed to place his arm around the person, but the film was not clear.

### The Motorcycle Incident

Six witnesses—three undergraduate students, one graduate student, one secretary, and a news reporter—described this incident to the committee. It occurred on 17th Avenue at 1:45 or 2:00 a.m. A cyclist drove out of the north-south alley between 16th and 17th Avenue, turning east. There is some conflict as to whether his tires screeched, or his motor revved, or both, and whether the motorcycle stalled, fell to the pavement or the cyclist slipped. In any case, the cyclist was approximately 100 feet east of the alley, and off his motorcycle. Several uniformed police officers, 4 or 5 were the estimates, who were standing on High and 17th Avenue, ran toward the cyclist. Two witnesses claimed that they heard one of the police officers say, "Let's get him."

The officers apprehended the cyclist. Two witnesses told the committee that they saw the officers rain blows upon the cyclist at the time of the apprehension, one specifying that he saw direct club hits on the chest and side of the head. A third witness stated that she heard "dull thuds" coming from the direction of the officers and the cyclist. Three witnesses, one of whom had an excellent vantage point from the window of her room overlooking the street, told the committee that as the officers pushed and walked the cyclist toward High Street, they were hitting him continually with clubs. The witness in her room above the street said that as the procession passed under a light she observed the officers beating him across the back of the head, shoulders, and the upper part of the back.

The witness was attracted to the window by the sound of the motorcycle, and the voice of a girl below her window, saying, "Stop! What are you doing to him? He wasn't doing anything!" The news reporter arrived on the scene as the officers were leading the cyclist towards High Street. He told the committee, "I saw him being clubbed and hit while he was being brought down the street." All six witnesses told the committee that throughout the incident, the cyclist was pleading, "What did I do? What did I do?" and "Goddammit! Stop it! What are you doing to me? I haven't done anything." All witnesses said that the cyclist was offering no resistance to the police, but was pleading with the police and only trying to protect himself from the blows.

(Continued on page 6)



## Facts

(Continued from page 5)

The committee saw films that were taken of the cyclist as he neared the police wagon. They unmistakably showed a considerable stream of blood coming from a wound in the back of the cyclist's head. The news reporter further informed the committee that he observed the cyclist being struck in the

back of the head while he lay face down in the back of the patrol wagon, hands cuffed behind him.

### FRIDAY NIGHT

Friday night was relatively quiet and uneventful. Although the striking University employees were picketing that night the same as on the preceding two nights, nothing that could rightly be called a crowd formed, at least no more of a

crowd than is normal for a Friday night in the High Street area.

The chief abnormality on this particular Friday night was the unusual number of uniformed Columbus police officers in the area. The officers, many of whom were members of the "D" platoon, wore regular police uniforms. They arrived in the area early in the evening. The committee was told that they were sent there

with instructions "to smile."

During the evening the police kept students moving. They operated in pairs. Their objective was to prevent groups of students from forming, particularly in the 15th and High area. Several witnesses remarked to the committee that the police that night were courteous and friendly, "darned nice" was the way one witness phrased it. Some witnesses told the committee that

there was a feeling of bitterness toward the police on the campus that day. These witnesses and others generally attributed the relative calm on Friday night to (1) the attitude of the police and (2) their tactic of keeping people moving, although one remarked that "it was colder" Friday night and another speculated that the presence of "dates" on the scene may have contributed to the absence of strife.

# THE MILLER REPORT: THE CONCLUSIONS

## CONCLUSIONS

### I. The crowd

- A. On all three nights, Oct. 4, 5 and 6, the crowds were composed mostly of college-age students, but others, including high school-age students, were also present particularly on Thursday and Friday nights.
- B. The majority of the persons in the crowds were present out of curiosity or seeking excitement.
- C. Except for students picketing in sympathy with the strikers, the crowd was unorganized, without specific objectives and without leadership. There were no "outside agitators," political or otherwise.
- D. The crowd was generally "conventional or cohesive" ("assembled for a specific purpose, such as witnessing a . . . fire") or "expressive or revelous" ("members are involved in some kind of expressive behavior such as dancing, singing or other channels of release"). Only occasionally did it degenerate into a "hostile or aggressive" crowd ("an unorganized throng willing to led into lawlessness"). It is doubtful that the gatherings ever evolved into a "mob" ("the crowd is law abiding; the mob takes the law into its own hands")

(See Momboisse, *Riots, Revolts and Insurrections* (1967) ).

- E. The disturbances could hardly be deemed a riot, in the sense that that term has been used of late in reference to Watts or Detroit. There was but one isolated act which might be characterized as attempted looting, and that was perpetrated by one or two inebriated and suggestible individuals at the instigation of another. There was no wanton destruction of substantial real or personal property. And while some objects were thrown, there was no activity which could be characterized as sniping or which was clearly intended to cause personal injury.
- F. Individual and small group acts of petty vandalism, such as burning trash in the intersection of 15th and High Street, tossing projectiles into the street and lobbing them at the police, attempting to obstruct traffic, and a couple of acts of exhibitionism, took place on Wednesday and Thursday nights. These acts were annoying, immature and reprehensible. Some of them presented a danger of injury to persons or property. If the perpetrators were discovered they deserved

to be reprimanded and, if the acts were criminal, punished. However, the vast majority of people present were not involved in any of these acts. At worst they might have engaged in the chanting of childish obscenities at the police.

- G. Hostility manifested by some persons on the east side of High Street on the first night was directed at the picketers. Such hostility as appeared thereafter was directed mainly at the Columbus Police.
- H. The dramatic use of "D" platoon marching in cadence up High Street garbed in black with riot sticks at port arms constituted a serious error of judgment. The needs of the situation did not require such histrionics. The psychology of intimidation which might have worked in other situations seemed to evoke nothing but derision and hostility in the university group. This, in turn, brought out the students' worst instincts and undoubtedly served to prolong the disturbances. Anyone who understood the psychology or motivation of college students would probably have avoided this mistake.

### II. The Police

- A. The presence of the police to maintain and restore order was clearly

required on all three nights. While the crowds might have dispersed on their own initiative out of boredom if left to their own devices, they might also have become more unruly.

- B. Nonetheless, it appears that the Columbus police overreacted to what was, in effect, a minor threat to the peace and order of the community. The committee tends to agree with one wag who suggested that Safety Director Simon was giving the police "on-the-job-training" for a real riot. To put it another way, the police, both in the show of force and in their violent tactics, were using a cannon to kill a pussy cat. And, as some experts on crowd control have suggested, such overreaction can turn the pussy cat into a tiger.
- C. The tactics used on Friday night—small groups of policemen from "D" platoon in ordinary uniforms politely requesting groups of students to keep moving and to avoid congregating in one area—were extremely effective and dignified. While some witnesses asserted that the gathering on Friday night was of a less volatile nature than the crowds on Wednesday and Thursday, there is no

concrete evidence to support this view. Furthermore, no large crowd was allowed to build up on Friday. The *ad hoc* committee concludes that similar tactics should also have been tried on Wednesday and Thursday nights.

- D. Except possibly for the last night, there was no effective communication or coordination between the Columbus police and University administrators or with persons on the University Security force who might have provided some useful insights into the appropriate way to deal with a crowd of college-age students.
- E. While, as Director Simon suggests, the University community is as densely populated as a city the size of Zanesville, there was no planning by the police to deal with the special problems of that community. It is a matter of common knowledge, however, that young men of college age will occasionally gather in crowds and act over-exuberantly. While such over-exuberance cannot be condoned, it is of a different and less serious quality than the ordinary crime in the streets or the riots which are currently plaguing American cities.

# THE MILLER REPORT: RECOMMENDATIONS

## RECOMMENDATIONS

### I. The Police

- A. This committee recommends that AAUP call for the immediate convening of a federal grand jury to investigate allegations of police brutality amounting to violations of the civil rights of individuals during the disturbances.
- B. This committee suspects (with good cause) that the civilian director of the Columbus police conceives of his role as entirely supportive of the police, perhaps as a "super-chief," rather than as a representa-

tive of all the public in supervising and controlling the activities of the police through enlightened policy-making. Therefore, the committee recommends that AAUP and the University recommend and support the establishment of an effective agency—an ombudsman, an inspector-general or even a review board—to investigate and report publicly upon allegations of misfeasance by the police.

- C. The committee suspects that the Columbus police, and their leadership, are not fully

cognizant of legal limitations upon the use of force in effecting arrests of persons for crime, particularly for misdemeanors. It recommends that AAUP call upon the police to educate themselves further on such matters through facilities which might be provided by the University for such purposes.

- D. The committee recommends that AAUP call upon the police to avail itself of such opportunities for further education in crowd and student psychology, criminology, so-

ciology and other relevant disciplines as the University is willing to provide through adult education classes.

- E. The committee recommends that the AAUP call upon the police to engage in discussions and planning with University officials to coordinate their responses to student disturbances in the future, in order to insure that violence and injury to students and others will be minimized, and that the dignity and civil rights of all participants will be preserved.

- F. The committee recommends that AAUP and the University exert all efforts to reverse Safety Director Simon's stated decision to continue to permit police engaged in crowd control activities to conceal their identification.
- G. The committee recommends that AAUP and the University support substantial increases in salary for the Columbus Police to match the heavy responsibility they bear for the protection of the community within a framework of civil rights and liberties.



# Student High Court Refuses to Rule on Constitutional Rights in Wilson

Recently Sergeant Paul Ely of the University Police ticketed one Nina Wilson for operating her motor vehicle on the campus of the Ohio State University without registering the vehicle with the University. Miss Wilson, an Arts College student, was operating a motor scooter owned by a friend who had purchased decals for the motor scooter some time in October but had not applied them to the scooter because of cold weather.

Instructions for applying the decals state that in case of cold weather, the student should warm the surface to apply the decals or to gain assistance from the University. The owner sought to do the latter by allegedly attempting four times to no avail to gain assistance. It was brought out that she attempted to gain assistance very close if not after closing time each of the four days she went to Mershon Parking Lot for assistance.

After four unsuccessful attempts and the continuing cold weather, the owner gave up her attempts at applying the stickers. It was at this time that Miss Wilson borrowed the motor vehicle with her permis-

sion, and she was operating the vehicle on the University campus when ticketed with a non-registration violation.

The University Traffic Rules (commonly referred to as the green pamphlet) state that "Registration is considered completed when the decals are affixed to registered vehicle." This was the provision which Miss Wilson was charged with violating.

Miss Wilson felt that she had been done an injustice and sought to remedy her plight by appealing to the University Court. After consultation with the Student Defender's office it was felt that Miss Wilson had a very good constitutional argument that this ticket and the violation she was accused of had violated her constitutional right to equal protection under the law. Miss Wilson felt that she was discriminated against because as a student she was not allowed to operate a motor vehicle on university grounds whereas a non-student was allowed to do so.

Miss Wilson was unable to argue her constitutional rights of equal protection because the University Court, in a 4-3 decision, declared that it did not

have jurisdiction to hear a constitutional argument as to the unconstitutionality of a rule (such as this traffic rule) of the Board of Trustees.

Chief Justice Michael Graney, a Law Senior, wrote the majority opinion. A dissenting opinion was written by Associate Justice David Bloomfield, a Law Junior, who felt that the only way a court could render a fair and equitable decision for the student defendant would be if the court were able to hear all material and relevant arguments which may include the hearing of a constitutional argument.

After denying jurisdiction to hear the constitutional argument, the court proceeded to hear the case on the merits. Miss Wilson was found guilty by a 5-1 vote and fined \$5. and court costs (the fine is usually \$15 and court costs are \$1).

From this decision Miss Wilson is attempting to appeal the jurisdictional question to the next highest adjudicative body on campus, the Council on Student Affairs, a committee of faculty and students from all the University colleges.

# Law Freshman Also Serves As Ohio Legislature Member

Vaughn Stockdale is a very busy man. Not only is he a Freshman in the College of Law, but also he is a very active and dedicated member of the Ohio Legislature, now in his second term.

A graduate of Manchester College in Indiana, Stockdale taught school in Darke County for a year before entering the Legislature.

For two terms he has been the youngest member of the Ohio Legislature (he is 28). He is a member of the Education Committee and the select Joint Committee for Reviewing Education and Finance. He has authored about twenty bills altogether, including a resolution calling for annual sessions of the Legislature.

"If a person owned stock in General Motors Corporation, he wouldn't feel secure in his investment if the Board of Directors met every two years to determine policy. Ohioans shouldn't feel secure with part-time decision-making," said Stockdale.

Stockdale has mixed emotions about the Legislature. "In many ways, it is frustrating to me personally. The Legislature is reluctant to face

up to problems in such areas as education, welfare, labor and water pollution. Power is weighted in favor of the Governor, with regular sessions only once every two years, allowing the Executive to function in its absence."

His feelings are strong concerning the pending pay raise for legislators from \$8,000 to \$15,000 per year.

"I am in favor of it. The pay of \$8,000 a year is not commensurate with the job, and there is no expense allowance. I return to my district once or twice a week, and receive no expense money for it. The legislative workload is extremely heavy, and has increased greatly over the past several years. I favor a pay rate of \$15,000 a year, plus an expense allowance," he said.

Although, admittedly, even the present pay of \$8,000 a year is not bad for a Freshman law student, Stockdale has indicated that he will give it up after this term, citing the difficulty of his present schedule.

"It's impossible," he said. "After I graduate, I hope to return to the Legislature. I intend to be active in politics."

## Speak Out

(Continued from page 2)

Further, I like to think of the law library as a research center for law students and faculty, comparable to a laboratory that is found at the School of Chemistry. Certainly an open library policy would detract from this idea.

Finally, the law library operates under a liberal open-stack, no fines policy and to effectuate this the rules of the library are enforced under the Honor Code of the Student Bar Association through its Honor Council. By allowing non-law students to use the library the possibility that the privileges accorded us by the liberal rules will be abused is increased.

For these reasons I strongly advocate that the present Restrictive Use of the Library policy be maintained.

## Student Bar Sets up New Eating Spot

The Student-Faculty Relations Committee of the Student Bar Association in cooperation with the Ohio Student Union recently initiated a new, semi-private luncheon area for law school faculty and students in the Union. Lunches may either be purchased in the cafeterias there or "brown bagged".

According to the committee, the purpose is to enable a person to enjoy a meal and some conversation (or polemics) with fellow members of the law school community. Participation has been good and the SBA committee's work has been appreciated.

## Miller

(Continued from page 3)

"The fact that our committee found it difficult to identify specific offenders—largely because of the absence of identifying marks on the "D" platoon uniforms—or that individuals who were mistreated are unwilling, perhaps out of fear, to file complaints, should not deter the prosecutorial authorities from performing their duty."

"Whether or not a grand jury is convened to investigate the report's allegations of police brutality, the efforts of the investigating committee and the approval by the AAUP of the committee's recommendations will not be meaningless. They are bound to have some prophylactic effect in deterring future police tactics similar to the type employed in the disturbances last October," said Miller.

What happens next depends on the U.S. Attorney and the local prosecuting attorney, concluded Miller.

## New Courses

(Continued from page 1)

Mr. Rose will offer a new course in "Legal Accounting". This is scheduled to be a three hour course autumn quarter.

Mr. Schwarz's present section of Business Associations will be changed from an eight hour into a six hour course entitled "Corporations" to be offered three hours in the fall and three winter. Schwartz's course will cover the same material as in Business Associations except the portion on agency and partnership. The eight hour course in Business Associations will be taught by Rose.

# Students Work For Civil Rights; Local Group Has National Origin

One of the most active groups in the College this year has been the Ohio State chapter of The Law Students Civil Rights Research Council. It is affiliated with a national organization of the same name, founded eight years ago to do voluntary legal research for cases arising from civil rights demonstrations. Since that time the council has directed its efforts to the problems of urban depressed areas. A major program has been to place law students in these areas for the summer in an attempt to correct the legal difficulties peculiar to these low income neighborhoods.

Larry Eitzen, who worked with the Cleveland Legal Aid Center on such a program last summer and who heads the Ohio State chapter, has arranged a cooperating program of legal research assistance with both The Columbus Legal Aid Center and a group of prominent Columbus attorneys engaged in the study of welfare law.

Two speakers have appeared before the group of fifteen members. Mrs. Linda Champ- lin, who was engaged in poverty problems at the University of Pennsylvania and who is now associated with the Columbus Legal Aid Clinic,

spoke of the difficulties involved in rendering legal assistance to the poor. She particularly mentioned the complexity of the situation regarding welfare recipients. Mr. Bill Davis, President of the Columbus chapter of The N.A.A.C.P. and attorney of record in the building trades union dispute at Ohio State, spoke of the problems of the Negro in the inner city.

Local projects and increased cooperation with other civil rights organizations in the Columbus area promise an expansion of activities for the Ohio State chapter of the Law Student Council.



Law Students Civil Rights Research Council members meet periodically to discuss cases of recent import in their field. Members of the Ohio State Chapter are, left to right: Lee Turner, Bill Jacobs, Larry Eitzen, Don Wiley, Al Segreti, Jim Turner, and Bob Weinberger.



## Chairmen, Alumni and Non-Alumni Totals Listed

# 1967 Campaign Nets \$90,237 for College; Alums Contribute Over Half the Gifts

Ohio State University, College of Law, County and State Campaigns Report, 1967.

OHIO: Adams, Alumni 3.00, Total 3.00; Allen, Robert Balyeat, Chairman, Alumni 55.00, Total 55.00; Ashland, Michael McKinley, Chairman, Alumni 55.00, Total 55.00; Ashtabula, Alumni 5.00, Total 5.00; Athens, Samuel Erskine, Chairman, Alumni 210.00, Total 210.00; Auglaize, James Weger, Chairman, Alumni 47.00, Total 47.00.

Belmont, Alumni 80.00, Total 80.00; Brown, Alumni 10.00, Total 10.00; Butler, Alumni 90.00, Total 90.00.

Champaign, Henry Houston, Chairman, Alumni 155.00, Total 155.00; Clark, George Cole, Chairman, Alumni 237.00, Total 237.00; Clinton, James Miller, Chairman, Alumni 85.00, Total 85.00; Columbiana, Alumni 140.00, Total 140.00; Coshocton, Alumni 220.76, Others 145.76, Total 366.52; Crawford, Alumni 10.00, Total 10.00; Cuyahoga, Robert Coplan & John Drinko, Chairmen, Alumni 9,107.00, Others 5,282.50, Total 14,389.50.

Darke, Alumni 50.00, Total 50.00; Defiance, Karl Weaner, Chairman, Alumni 105.00, Total 105.00; Delaware, Robert Coldren, Chairman, Alumni 160.00, Total 160.00.

Erie, John R. Py, Chairman, Alumni 290.00, Total 290.00.

Fairfield, John Acton, Chairman, Alumni 248.50, Others 12.50, Total 261.00; Fayette, Rollo Marchant, Chairman, Alumni 10.00, Total 10.00; Franklin, Thomas Cavendish, Chairman, Alumni 14,391.42, Others 28,998.06, Total 43,389.48; Fulton, Charles Ham, Chairman, Alumni 75.00, Total 75.00.

Greene, Merritt E. Schlafman, Chairman, Alumni 210.00, Total 210.00; Guernsey, James Scott, Chairman, Alumni 25.00, Total 25.00.

Hamilton, Eugene Barstow, Chairman, Alumni 471.87, Others 5,052.40, Total 5,524.27; Hardin, Mark Hanna, Chairman, Alumni 20.00, Total 20.00; Henry, Alumni 40.00, Total 40.00; Highland, Alumni 25.00, Total 25.00; Holmes, Judson C. Schuler, Chairman, Alumni 71.00, Others 1.00, Total 72.00; Huron, Tom Paffenbarger, Chairman, Alumni 35.00, Total 35.00.

Jackson, Roy Gilliland, Chairman, Alumni 55.00, Total 55.00; Jefferson, William Wehr & Sam Freifield, Chairmen, Alumni 440.00, Total 440.00.

Knox, Tom Badger, Chairman, Alumni 190.00, Others 10.00, Total 200.00.

Lake, Alumni 20.00, Total 20.00; Lawrence, Homer Edwards, Chairman, Alumni 50.00, Total 50.00; Licking, J. Gilbert Reese, Chairman, Alumni 2,819.88, Total 2,819.88; Logan, J. Ewing Smith, Chairman, Alumni 120.00, Total 120.00; Lorain, Archie West, Chairman, Alumni 230.00, Others 7.50, Total 237.50; Lucas, David Cox, Jr., Chairman, Alumni 3,225.98, Others 90.00, Total 3,315.98.

Madison, Gerald T. Baynes, Chairman, Alumni 37.50, Others 12.50, Total 50.00; Mahoning, Joseph Schiavoni, Chairman, Alumni 462.00, Total 462.00; Marion, Edwin Mitchell, Chairman, Alumni 95.00, Total 95.00; Medina, Rice Hershey, John Koerber & Charles Parke, Chairmen, Alumni 25.00, Total 25.00; Meigs, Alumni 10.00, Total 10.00; Mercer, Alumni 40.00, Total 40.00; Miami, Robert Fite, Chairman, Alumni 38.00, Total 38.00; Montgomery, Bradley Schaeffer, Chairman, Alumni 2,154.00, Others 10.00, Total 2,164.00; Muskingum, 123.00, Total 123.00.

Ottawa, Alumni 30.00, Total 30.00.

Paulding, Alumni 20.00, Total 20.00; Perry, Alumni 5.00, Total 5.00; Pickaway, Roger Bennington, Chairman, Alumni 200.00, Total 200.00; Portage, Alumni 75.00, Total 75.00; Preble, Alumni 10.00, Total 10.00; Putnam, Alumni 20.00, Total 20.00.

Richland, Donald Lett, Chairman, Alumni 1,536.00, Total 1,536.00; Ross, William Stanhope, Chairman, Alumni 270.00, Total 270.00.

Sandusky, Alfred Cooper, Chairman, Alumni 85.00, Total 85.00; Scioto, Aronhold Schapiro, Chairman, Alumni 245.00, Total 245.00; Seneca, Tom Spellerberg, Chairman, Alumni 200.00, Total 200.00; Shelby, Alumni 50.00, Total 50.00; Stark, Ben Burt, Chairman, Alumni 657.00, Total 657.00; Summit, Rice Hershey, John Koerber & Charles Parke, Chairmen, Alumni 919.50, Total 919.50.

Trumbull, Alumni 55.00, Total 55.00; Tuscarawas, Richard Stephenson, Chairman, Alumni 70.00, Total 70.00.

Union, William Coleman, Chairman, Alumni 230.00, Total 230.00.

Van Wert, Alumni 20.00, Total 20.00.

Washington, Alumni 25.00, Total 25.00; Wayne, Richard Wagner, Chairman, Alumni 75.00, Total 75.00; Williams, John Dwyer, Chairman, Alumni 20.00, Total 20.00; Wood, Alumni 55.00, Total 55.00; Wyandot, Alumni 52.50, Total 52.50.

Ohio Totals, Alumni \$41,802.91, Others \$39,622.22, Total \$81,425.13.

OUT-OF-STATE: Virgin Islands, Alumni 25.00, Total 25.00; Alabama, Alumni 1.00, Total 1.00; Alaska, Alumni 35.00, Total 35.00; Arizona, Alumni 110.00, Total 110.00; California, Alumni 354.00, Others 250.00, Total 604.00; Los Angeles, Stanford Zucker,

Chairman, Alumni 215.00, Total 215.00; San Francisco, Zel Canter & Michael Khourie, Chairmen, Alumni 150.00, Others 40.00, Total 190.00.

Connecticut, Alumni 5.00, Total 5.00; Delaware, Alumni 10.00, Total 10.00; District of Columbia, William Devaney, Chairman, Alumni 2,192.00, Others 50.00, Total 2,242.00; Florida, Alumni 108.50, Others 25.00, Total 133.50; Hawaii, Alumni 5.00, Total 5.00; Chicago, Frank F. Vesper, Chairman, Alumni 512.50, Others 10.00, Total 522.50; Indiana, Alumni 73.00, Others 100.00, Total 173.00; Iowa, Alumni 10.00, Total 10.00; Kansas, Alumni 29.00, Total 29.00; Louisiana, Alumni 10.00, Total 10.00.

Maine, Alumni 10.00, Total 10.00; Massachusetts, Alumni 10.00, Total 10.00; Michigan, Alumni 107.00, Total 107.00; Missouri, Alumni 12.00, Total 12.00; New Jersey, Alumni 35.00, Total 35.00; New York, Alumni 460.00, Others 355.00, Total 815.00; New York City, Peter Eikenberry, Chairman, Alumni 12,502.50, Others 1,582.50, Total 14,085.00; New Mexico, Alumni 25.00, Total 25.00; North Carolina, Alumni 80.00, Others 50.00, Total 130.00; Oklahoma, Alumni 15.00, Total 15.00; Pennsylvania, Alumni 115.00, Total 115.00; Texas, Alumni 25.00, Total 25.00.

Utah, Alumni 5.00, Total 5.00; Virginia, Alumni 85.00, Total 85.00; Washington, Alumni 10.00, Total 10.00; West Virginia, Alumni 40.00, Total 40.00; Military Services, Alumni 87.50, Total 87.50; Mexico, Alumni 6.00, Total 6.00; Puerto Rico, Alumni 75.00, Total 75.00.

Out of State Total, Alumni \$6,350, Others \$2,462.50, Total \$8,812.50.

Grand Total, Alumni \$48,152.91, Others \$42,084.72, Total \$90,237.63.

## Random Profile: Rice Hershey

(Note: This is a new feature of the Buckeye Barrister. In each issue we will have a profile of a College of Law graduate, selected at random. If you would like to be brought up to date on any other Law Alumnus, write Dean Ivan C. Rutledge.)

After attending Copley public schools and graduating from high school there, Rice came to The Ohio State University, receiving his BA in '26 and his J.D. in '28. He returned to Akron to practice law and is now senior partner in the firm of Hershey, Browne, Wilson, Steel and Wolfe, located in the First National Tower Building in Akron.

He has always retained an active interest in Ohio State and the College of Law. He has served as president of the Akron Chapter, Ohio State University Alumni Association, as National President of the College of Law Alumni Association and is now serving as a member of the National Council of the College of Law.

Rice is a happy man. He's happy because he likes his profession and enjoys doing those things which advance it. Fortunately for us this includes a real lively and sincere interest in the College of Law.

## \$1,000 or More Givers Listed

Listed below are those alumni and friends of the College of Law whose contributions were \$1,000 or more whether or not restricted as to use. The total of these gifts was \$63,213.14.

Alumni: Charles G. Bond, Robert C. Coplan, John D. Drinko, Donald J. Lett, Harry S. Littman, Alan B. Loop, J. Paul McNamara, Harry M. Miller, Thomas Patton, Donald C. Power, J. Gilbert Reese, Bernard H. Schulist, and Isadore Topper.

Non-Alumni: Buckeye Federal Savings, City National Bank and Trust Co., Mrs. Shirley Coplan, Cleveland Institute of Electronics, Jacob Davis, General Telephone & Electronics Corp., John G. McCoy, Mrs. Hazel Z. Nesbitt, Mrs. Arline Patton, James C. Steffan, and Mrs. Ida Topper.

## Ten Funds Set Up

In 1967 the College of Law has been the recipient of 10 restricted funds. They are the following: the Boehm and Rance Student Loan Fund for College of Law; the Charles G. Bond Library Fund for College of Law; the John W. Bricker Named Chair in College of Law; the Mary Pittenger Campbell Memorial Fund; the Arthur R. Cline Fund for College of Law; the College of Law Research Fund; the College of Law Senior Class Fund; the Women's Auxiliary of the Columbus Bar Assn. Scholarship Fund; the Shirley and Robert C. Coplan Scholarship Fund; and the John R. Moats Memorial Fund.

## Non-Alumni Friends Also Donate Funds

Non-Alumni Givers were: Mrs. Janet H. Adams, R. Brooke Alloway, Mrs. Reba J. Alton, American Society of Architectural Hardware Consultants, Arthur Andersen and Co., John S. Andrews, Mrs. Dorothy G. Ballou, Mrs. Gerald A. Baynes, Mrs. Willeen L. Benedum, Mrs. Jo Ann Blaine, Ray C. Bliss, Martin E. Blum, Margaret G. R. Browning, Mrs. Inez P. Bryant, Buckeye Federal Savings.

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